

## **REMARKS**

By the present amendment, claims 14-17 and 19-28 are pending in the application.

### **Support For Claim Amendments**

With respect to the amendments to independent claims 14, 15 and 16:

Lamination of the resin film on a metal sheet is disclosed in the specification, for example, at page 1, lines 15-17; page 4, lines 30-32; page 5, lines 6-11; and page 29, lines 20-23.

The limitation directed to --a volume no greater than a sphere having a diameter of 1  $\mu\text{m}$ -- is supported by original dependent claim 18 and is discussed in conjunction with the discussion of the rejection of claim 18 under 35 U.S.C. §112, second paragraph.

### **Amendment To Specification**

The specification has been amended at paragraph 1 of page 1 to update the status of parent Application No. 09/555,199 which has issued as U.S. Patent No. 6,783,825.

### **§112, ¶2**

Dependent claim 18 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

This rejection, as applied to amended independent claims 14, 15 and 16, is respectfully traversed.

The term “sphere equivalent diameter” is well known in the art.

The volume of the subject particle is taken as the volume of a sphere and the diameter of such a sphere having such a volume is referred to as the “sphere equivalent

diameter". For particles having a size if a few  $\mu\text{m}$  or less, this is a practical method of expressing the size of the particles.

In order to improve clarity, independent claims 14, 15 and 16 have been amended to recite that --each particle of the elastomer resin (B) finely dispersed in the polyester resin (A) has a volume no greater than a sphere having a diameter of 1  $\mu\text{m}$ --.

In view of the foregoing, it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph, as applied to amended independent claims 14, 15 and 16, be withdrawn.

#### **§102/§103**

Claims 1, 14-21 and 24-28 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,237,004 to Wu et al.

Claims 1 and 14-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu in view of U.S. Patent No. 4,219,628 to Weemes et al.

These rejections, as applied to the amended claims, are respectfully traversed.

#### **Patentability**

Wu et al. discloses polymer compositions having modified optical properties, but does not disclose or suggest the adhesion of a resin film to a steel sheet.

The resin film of the present invention is laminated on a steel sheet to improve the impact resistance, adhesion, drawing formability and work conformability. This is not disclosed or suggested by Wu et al.

Although Wu et al. mentions that impact-strength modifiers may be incorporated, the impact resistance of the present invention is not the same as that of Wu et al.

Therefore, Wu et al. does not disclose or suggest the present invention.

Furthermore, the elastomer resin (B) particles of the present invention have a volume no greater than a sphere having a diameter of 1  $\mu\text{m}$ . That is, the elastomer resin (B) particles of the present invention have a particle size of no greater than 1  $\mu\text{m}$ . Wu et al. discloses that the particle size of the polymer of Wu et al. is between 2 to 15  $\mu\text{m}$  for the purpose of obtaining the optical properties which is the objective of Wu et al. See, e.g., Wu et al. at Col. 9, lines 3-14. Wu et al. at Col. 9, lines 15-17 teaches against emulsion polymerization techniques because particles tend to be smaller than 1  $\mu\text{m}$ .

Therefore, Wu et al. does not disclose or suggest the present invention.

Weemes et al. is directed to moldings (Col. 1, lines 6-9) which is very different than an resin film laminated on a metal sheet in accordance with the present invention.

It is therefore submitted that amended independent claims 14, 15 and 16, and all claims dependent thereon, are patentable over Wu et al. or Wu et al. in combination with Weemes et al.

**CONCLUSION**

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

KENYON & KENYON LLP

By: John J. Kelly, Jr.  
John J. Kelly, Jr.  
Reg. No. 29,182

Dated: January 18, 2007

KENYON & KENYON LLP  
One Broadway  
New York, New York 10004  
(212) 425-7200